

Office Action Mailed 12/30/2005  
Amendment Dated March 28, 2006  
Examiner: Samuel E. Belt (Group 3746)  
Docket: VOL 049 P2

### **REMARKS**

On page 2 of the action the Examiner objected to the drawing. Although Applicants believe the drawing lines are different and clearly indicated by reference numerals, Applicants are submitting a new drawing that Applicants believe overcomes the Examiner's objection.

On page 3 of the Office Action, the Examiner objected to claims 9, 14 and 21 due to various informalities. Applicants have amended the claims as shown and believe they are now in good form. Note also that Applicants have added new claims 26 and 27 to recite that the level sensor/level switch is a pressure sensor, which contain further limitations other than those in the dependent claims from which they depend.

On page 4 of the Office Action, the Examiner objected to claims 1 – 25 under 35 U.S.C. second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended claims 1, 12 and 19 as shown and believe they are now in good form.

On page 5 of the Office Action, the Examiner rejected claims 1, 7 – 9, 12 – 14, 17, 19-21 and 24 under 35 U.S.C. § 102(b) as being anticipated by Iwata et al. (U.S. (4,437,811)). For the reasons discussed below and in view of the claims as now presented, Applicants believe that Iwata et al. does not anticipate the pending claims for at least the following reasons.

Iwata et al. discloses a submersible pump adapted to pump out the liquid in a reservoir having a built-in control unit for alternate pump operation. The control unit includes step memory means which provide a signal to permit the starting of pump operation every other time a high liquid level sensor senses the liquid. Once started, the pump continues its operation until the liquid level drops below a low liquid level sensor. The submersible pump can be combined with an additional pump having a conventional control unit in which case the two pumps are alternately operated.

As understood, the Iwata et al. reference uses float sensors and, therefore, changing the switching value at the pump would not appear to be possible. Thus, the Iwata et al. reference does not disclose the feature of blocking the pump by changing the switching value at which the pump is started. In Iwata et al., changing the switching value would appear to be possible only if the float sensor itself would be placed to a deferred vertical position. The pump appears to be blocked by switching a relay which prevents the pump from starting when reaching a certain fluid level. However, it is believed that Iwata et al. does not change the switching value at which the pump is started. The switching values in the Iwata et al. reference appear to be fixed by the arrangement of the float sensors.

Applicants have amended the independent claims 1, 12, and 19 to further focus and clarify the blocking and switching value. For all the foregoing reasons and in view

Office Action Mailed 12/30/2005  
Amendment Dated March 28, 2006  
Examiner: Samuel E. Belt (Group 3746)  
Docket: VOL 049 P2

of the claims as now presented, Applicants believe that these claims are now in good form and in condition for allowance.

The examiner indicated on Page 5 that claims 2-6, 10-11, 15-16, 18, 22-23 and 25 would be allowable if rewritten to overcome the rejections under 35 USC §112, second paragraph, and to include the limitations of the base claim and any intervening claims. Applicants have amended and rewritten the claims as shown and believes that they are now in condition for allowance and such allowance is respectfully requested.

For all the foregoing reasons and in view of the claims as now presented, Applicants believe all claims as now pending are not anticipated by the references cited by the Examiner, and accordingly, they should be allowed.

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-1287. Applicants hereby provide a general request for any extension of time which may be required at any time during the prosecution of the application. The Commissioner is also authorized to charge any fees which have not been previously paid for by check and which are required during the prosecution of this application to Deposit Account No. 50-1287. (Should Deposit Account No. 50-1287 be deficient, please charge any further deficiencies to Deposit Account No. 10-0220).

Applicant invites the Examiner to contact the undersigned via telephone with any questions or comments regarding this case.


Office Action Mailed 12/30/2005  
Amendment Dated March 28, 2006  
Examiner: Samuel E. Belt (Group 3746)  
Docket: VOL 049 P2

**APPLICANTS RESPECTFULLY REQUEST AN INTERVIEW WITH THE  
EXAMINER IF THE EXAMINER DOES NOT BELIEVE THIS AMENDMENT PLACES  
THE APPLICATION IN CONDITION FOR ALLOWANCE.**

Reconsideration and favorable action are respectfully requested.

Respectfully submitted,

JACOX, MECKSTROTH & JENKINS

By   
Matthew R. Jenkins  
Reg. No. 34,844

2310 Far Hills Building  
Dayton, Ohio 45419-1575  
Telephone 937: 298-2811

March 28, 2006

/rl